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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,152	11/16/2001	Stephanie Aquin	MBX 041	3848
23579	7590	10/18/2004	EXAMINER	
PATREA L. PABST PABST PATENT GROUP LLP 400 COLONY SQUARE SUITE 1200 ATLANTA, GA 30361			MCELWAIN, ELIZABETH F	
			ART UNIT	PAPER NUMBER
			1638	

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20041007

DATE MAILED:

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Commissioner for Patents

See the attached Notice of Non-Responsive Amendment.

Elizabeth F. McElwain, Ph.D.
Primary Examiner
Art Unit: 1638


Response to Amendment

1. The reply filed on August 6, 2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): the response to the restriction did not elect one of the Groups, as required. Please note that the claims of Group I, claims 1, 13 and 20, will be considered linking claims and will be examined along with the claims of any of Groups II-IX and XI-XVI. In addition, please note that Groups XIV-XVI recite that they are drawn to "a transgenic plant". However, this should read "a transgenic organism", wherein the claims are drawn to bacteria and a method of transforming bacteria. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth F. McElwain whose telephone number is (571) 272-0802. The examiner can normally be reached on increased flex time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amy Nelson can be reached on (571) 272-0804. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Elizabeth F. McElwain, Ph.D.
Primary Examiner
Art Unit 1638

EFM